IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 27604 of 2006(J)

PETITIONER:

KAKKALATH RAGHAVAN, S/O. KUNHAMBU,
KOROM, CHALAKODE P.O., PAYYANNUR.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SPECIAL TAHSILDAR (LA),
EZHIMALA NAVAL ACADEMY, PAYYANNUR.

BY GOVERNMENT PLEADER SHRI L.G. SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE AWARD NO.13/06/28(A) DATED 15.2.2006.

EXHIBIT P2 TRUE COPY OF THE AWARD NO.14/06/28(A) DATED 15.2.2006.

EXHIBIT P3 TRUE COPY OF THE AWARD NO.15/06/28(A) DATED 15.2.2006.

EXHIBIT P4 TRUE COPY OF LETTER NO.647/SS2/2001/GAD DATED 1.4.2005 WITH MINUTES OF MEETING ON EZHIMALA NAVAL ACADEMY CONVENED BY THE CHIEF MINISTER AT 10.00 A.M. ON 18.3.2005.

RESPONDENTS' EXHIBITS: NIL

K. PADMANABHAN NAIR, J.

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W.P(C) NO. 27604 OF 2006

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Dated this the 29th day of June, 2007

J U D G M E N T

The only claim put forward by the petitioner in the Writ Petition is that though the second respondent Land Acquisition Officer has allowed the petition filed by the petitioner for redetermining the compensation under Section 28A of the Land Acquisition Act, no interest has been awarded on the enhanced amount.

2. The fact that enhanced compensation was paid to the petitioner is admitted by the respondents. Claim of the petitioner that he was not paid interest on the enhanced compensation is not denied. In view of the principles laid down in **Sunder v. Union of India** (2001 (3) KLT 489 (SC) petitioner is entitled to get interest under Section 34 of the Act on the enhanced compensation which includes solatium also. So the action of the respondents denying interest on enhanced compensation to the petitioner is illegal. There will be a direction to the second respondent to redetermine the

quantum of interest due to the petitioner on the enhanced compensation which includes solatium also, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. After determination of the amount due, the same shall be paid to the petitioner.

Writ Petition is allowed as above.

K. PADMANABHAN NAIR, JUDGE.

The matter was posted for to be spoken to today.

It is submitted by the counsel for the petitioner that since the petitioner was not satisfied with the compensation awarded by the Land Acquisition Officer, he had filed a petition under Section 28A(3) of the Land Acquisition Act for referring the matter to the Court having jurisdiction.

It is made clear that if such a petition is filed, that petition also be dealt with by the Land Acquisition Officer in

accordance with law.

K. PADMANABHAN NAIR, JUDGE.

13th July, 2007
vsv

K. PADMANABHAN NAIR, J.

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M.F.A.

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J U D G M E N T

29TH JUNE, 2007